

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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CENTER FOR BIOLOGICAL  
DIVERSITY,

*Petitioner,*

v.

UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY, and

LEE ZELDIN, in his official capacity  
as Administrator of the United States  
Environmental Protection Agency,

*Respondents,*

and

MOSAIC FERTILIZER, LLC,

*Intervenor-Respondent.*

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Case No. 25-10515

**TIME-SENSITIVE MOTION FOR EXPEDITED REVIEW  
OF MOTION TO EXTEND BRIEFING SCHEDULE**

Petitioner Center for Biological Diversity (“Center”) hereby moves for expedited review of the Unopposed Motion to Extend Briefing Schedule, Dkt. No. 20, filed on May 16, 2025, (“Briefing Schedule Motion”) by Respondents United States Environmental Protection Agency and Administrator Lee Zeldin (“EPA”). The Center respectfully requests that the Court expedite its review of the Briefing

Schedule Motion and grant the motion prior to or on May 27, 2025, the current deadline for the Center's opening brief.

Counsel for the Center has attempted to confer with counsel for Respondents EPA and Mosaic but has been unsuccessful. Given the time-sensitive nature of this request, the Center asserts that there is good cause for proceeding without Respondents' position. Further, the Center is hereby requesting expedited review of EPA's unopposed motion, which contains a schedule agreed upon by all parties.

In support of this motion, the Center states as follows:

1. The Center's opening brief is currently due next Tuesday, May 27, 2025.
2. The parties conferred and collectively agreed to modify the briefing schedule, including, *inter alia*, postponing the deadline for the Center's opening brief until July 11, 2025. *See* Briefing Schedule Motion at 2.
3. On May 16, 2025, EPA filed the Briefing Schedule Motion, which sets forth the modified briefing schedule to which the parties agreed and explains why good cause exists for the extended deadlines. *Id.* at 1-2.
4. The Center respectfully requests expedited review of the Briefing Schedule Motion, because the current deadline for its opening brief is imminent, but the parties have agreed to postpone this deadline to July 11th.

5. To allow the Court time to rule on the Briefing Schedule Motion, on May 23, 2025, the Center requested a 30-day extension of the current opening brief deadline from the clerk telephonically, per 11th Cir. R. 31-2(a). The clerk informed the Center that an extension was not available to the Center due to the pending Briefing Schedule Motion.

6. Accordingly, because the Center has exhausted its options to extend the current opening brief deadline, the Briefing Schedule Motion sets forth a reasonable briefing schedule to which the parties have all agreed, and it is in the interest of the efficient and orderly disposition of this case, the Center requests that the Court expedite its review of the Briefing Schedule Motion and grant the motion prior to or on May 27, 2025, the current opening brief deadline.

Respectfully submitted,

/s/ Ragan Whitlock

Ragan Whitlock  
CENTER FOR BIOLOGICAL DIVERSITY  
P.O. Box 2155  
St. Petersburg, FL 33731  
Tel: (727) 426-3653  
Email: rwhitlock@biologicaldiversity.org

Ryan Maher  
CENTER FOR BIOLOGICAL DIVERSITY  
1411 K Street, NW, Suite 1300  
Washington, DC 20005  
Tel: (781) 325-6303  
Email: rmaher@biologicaldiversity.org

*Counsel for Petitioner Center for Biological  
Diversity*

DATED: May 23, 2025

*Center for Biological Diversity v. EPA*

### **CERTIFICATE OF INTERESTED PERSONS**

Pursuant to Eleventh Circuit Rule 26.1-1, the undersigned certifies that, to the best of his knowledge, the certificate of interested persons and corporate disclosure statement submitted by Intervenor-Respondent, Mosaic Fertilizer, LLC, on March 20, 2025, is correct and complete.

/s/ Ragan Whitlock  
Ragan Whitlock

## CERTIFICATE OF COMPLIANCE

I hereby certify:

1. This document complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the parts of the document exempted by Rule 32(f), this document contains 399 words.

2. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Rule 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

/s/ Ragan Whitlock  
Ragan Whitlock

### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has been filed with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit this 23th day of May, 2025, using the CM/ECF System, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ Ragan Whitlock

Ragan Whitlock